

REMARKS

The Patent Office has rejected claims 21-58 under 35 U.S.C. § 102(b) as being anticipated by Obara (U.S. Patent No. 5,204,857). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 UPPQ 2d 1051, 1053 (Fed. Cir. 1987).

Applicant has amended independent claims 21, 35, and 49 to more clearly claim the present invention. Applicant has also amended claims 46 to correct a typographical error.

Regarding claim 21, Applicant has amended claim 21 to state that "when at least one of the originating and terminating endpoints is coupled to the packet fabric, the call is established in part by sending a message to one of the at least one of the originating and the terminating endpoints to instruct the one of the at least one of the originating and terminating endpoints to enable communication for the call through the packet fabric." Support for this amendment can be found in Figures 6-8 and the corresponding description in Applicant's specification. Accordingly, the amendment does not add new matter.

Obara fails to disclose a computing module that sends a message to one of at least one of an originating endpoint and a terminating endpoint, thereby instructing the one of the at least one of the originating and terminating endpoints to enable communication for the call through the packet fabric. Obara discloses an ATM exchange system capable of accommodating both ATM terminals and STM terminals. Referring to Figure 1, the call control unit (101) operates to control the STM channel switch (102) and the ATM channel switch (103) to provide a direct connection between any two of an STM terminal (13i), an STM trunk line (15i), an ATM terminal (43k), and an ATM trunk line (45l). For example, for a connection between the STM terminals (131 and 13i), the STM terminal (131) sends a call request to the STM terminal INF (111), which interprets the call request and forwards it to the call control unit (101). The call control unit (101) then sends a call request to the STM terminal INF (11i), which sends a message to the STM terminal (13i). If the STM terminal (13i) responds, the STM terminal INF (11i) sends a call acceptance message to the call control unit (101). In response, the call control unit (101) sends a connection completion message to the STM terminal INF (111) and controls the STM channel switch (102) to connect the STM terminal INF (111) to the STM terminal INF (11i) to complete the connection. However, it should be noted that at no point during call setup

do the STM terminal INF (111) and the STM terminal INF (11i) communicate to establish the call. Call setup is handled entirely by the call control unit (101). (See column 3, line 38 – column 4, line 12).

In a similar fashion, the call control unit (101) entirely handles call setup for all possible connections between two of an STM terminal, an STM trunk line, an ATM terminal, and an ATM trunk line. In each of these embodiments, at no point during call setup do the INFs (111, 11i, 14i, 14j, 411, 41k, 441, 44l) communicate with one another to establish the call.

Since Obara fails to disclose that when at least one of an originating and terminating endpoints is coupled to a packet fabric, a computing module sends a message to one of the at least one of the originating and terminating endpoints, thereby instructing the one of the at least one of the originating and terminating endpoints to establish at least a portion of a bearer path for the call through the packet fabric, claim 21 is allowable.

For at least the same reasons claim 21 is allowable, claims 22-58 are allowable. However, Applicant reserves the right to address the rejections of claims 22-58 in the future if necessary.

Applicant has added new claims 59-70. Claims 59, 63, and 67 claim that the packet fabric is a backbone network. It should be noted that the ATM switch (103) of Obara is merely a switch and not a backbone network. Claims 60, 64, and 68 claim sending a message to one of the originating and the terminating endpoints, thereby instructing the one of the originating and terminating endpoints to communicate with the other of the originating and terminating endpoints to enable communication for the call through the packet fabric when both the originating and terminating endpoints are coupled to the packet fabric. Claims 61, 65, and 69 claim sending a message to the terminating endpoint, thereby instructing the terminating endpoint to communicate with the first interface to enable communication for the call through the packet fabric when the originating endpoint is coupled to the PSTN and the terminating endpoint is coupled to the packet fabric. Claims 62, 66, and 70 claim sending a message to the originating endpoint, thereby instructing the originating endpoint to communicate with the first interface to enable communication for the call through the packet fabric when the originating endpoint is coupled to the packet fabric and the terminating endpoint is coupled to the PSTN. Support for these new claims can be found in Figures 1 and 4-8 and their corresponding

descriptions in Applicant's specification. Accordingly, no new matter has been added. For at least the same reasons claim 21 is allowable, claims 59-67 are allowable.

In view of the discussion above, claims 21-70 are allowable. If any issues remain, the examiner is encouraged to contact the undersigned attorney of record to expedite allowance and issue.

Respectfully submitted,

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